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FBI Burglary Probe in S.F. Is Denied

U.S. Attorney James L. Browning Jr. denied here yesterday that the FBI in San Francisco was being investigated by the Justice Department for alleged burglaries of homes and offices of militant political figures.

He was referring to a report from Washington that appeared in Tuesday's Chronicle, saying FBI offices in several cities, including San Francisco, were under investigation for activities during the past five years.

"We are not investigating any 'black bag' jobs by FBI in San Francisco," Browning said. "San Francisco should not have been mentioned in that story. That's erroneous."

F.B.I. Break-In Inquiry Is Said to Widen

By NICHOLAS M. HORROCK

Special to The New York Times

WASHINGTON, Aug. 2—The Department of Justice has drastically widened its investigation of allegations that agents of the Federal Bureau of Investigation burglarized the homes and offices of militant political figures during the last five years, F.B.I. and department sources said today.

According to these sources, Justice Department lawyers reached about 50 agents late last week, warned them that they were under investigation in connection with the burglaries and advised them they might be called to testify. This brings to more than 75 the number of F.B.I. agents and officials now under scrutiny in the burglary inquiry.

The Department of Justice began the investigation earlier this year after finding records in a secret file in the New York field office of the bureau that indicated that agents had made "surreptitious entries" into homes and offices of leftist suspects and antiwar radicals as recently as 1975 and nine years after the late director, J. Edgar Hoover, had ordered the technique discontinued.

The investigation has centered on the New York office, but knowledgeable bureau and Justice Department sources said surreptitious entry for intelligence gathering had been made by several major field offices, including Washington, San Francisco and Los Angeles.

Last week's moves by department lawyers in the civil rights

division under Assistant Attorney General J. Stanley Pottinger seemed to be the first step in broadening the investigation. Well placed present and former F.B.I. agents, however, called the new phase of the inquiry a "fishing expedition," and one source asserted that Justice lawyers had resorted to "Gestapo tactics, calling up agents with no warning and putting them they were under investigation."

Two sources said the department lawyers had simply obtained a list of F.B.I. men in security work in 1972 and 1973 and were calling up agents alphabetically.

"These are terror tactics," one F.B.I. source said, "this

Continued on Page 18, Column 3

Continued From Page 1, Col. 4

could cause mass resignations."

He said the new phase differed from the earlier portion of the investigation in which the department's lawyers had some direct evidence of an agent's involvement.

"They're [lawyers] making an assumption that if a man worked in domestic security he must have done a job. That's not true," he said.

Jack Solerwitz, a Mineola lawyer who represents several agents under investigation in the case, said today that he had received calls from more agents but declined to comment on how many had sought to retain him.

Other agents are expected to seek help from an association of former F.B.I. men that has retained Edward P. Morgan, a Washington lawyer and former chief inspector at the bureau.

to aid them.

What is expected to make prosecutions in these cases unusual is that many of the burglaries were authorized by bureau officials. In interviews with agents who had committed burglaries, they said they felt confident that their actions had been authorized by F.B.I. headquarters here and justified on the ground of national security.

Without Orders

There are instances, these sources said, where agents made entries without orders or placed unauthorized wiretaps and electronic bugs. But even in these cases, they said, they were operating on the theory that they were expected to take these risks to carry out their duties properly.

The bulk of the surreptitious entries under investigation occurred in late 1972 and early 1973 and were aimed at finding members of the radical Weather underground.

Earlier last week, George Baxtrum, an F.B.I. agent attached to the Milwaukee bureau field office, testified in a court deposition that before 1965 he committed 50 to 90 surreptitious entries of the headquarters of the Socialist Workers Party in New York. Mr. Baxtrum and several other present and former F.B.I. agents and officials are defendants in a \$37 million damage suit filed by the Socialist Workers.

Agents implicated in the recent investigation have expressed concern that, in addition to the criminal charges they might face, they are also vulnerable to civil lawsuits and prosecution by local authorities.

Court Tells F.B.I. to Release Files in Socialist Workers Suit

NYTimes

AUG 4 1976

AUG 4 1978

By ARNOLD H. LUBASCH

The Federal Bureau of Investigation was ordered by a judge yesterday to release all its files on six alleged F.B.I. informers who were identified by the Socialist Workers Party.

Judge Thomas P. Griesa issued the order in Federal District Court in Manhattan at the request of Leonard Boudin, a lawyer for the party, which is conducting an extensive lawsuit against the bureau and other Government agencies.

John S. Siffert, a lawyer for the Government, argued that informers should be given an opportunity to make any objections they might have regard-

ing the release of their files before the material is turned over to the Socialist Workers Party.

But the judge ruled that the bureau must give the files to the party by Aug. 17 and that the only information that could be deleted would be the names of other informers who had not yet been identified.

The six individuals who have been identified as informers by the Socialist Workers Party were named by the party's lawyers in a court document.

Six Persons Named

The document said that the individuals serving as informers were John Neal in Norman,

Okla., from June 1966 to March 1975; Stephen H. Cooper in Indianapolis, from January 1972 to April 1973; John Hollowell in San Diego, for many years ending about 1973; Orrie W. Norton in Minneapolis, Minn., for many years ending about 1969 or 1970; James Nilson in Bloomington, Ind., during 1973; and Rodney Hertz in Washington, about 1967 or 1968.

According to the Socialist Workers Party, three of these have acknowledged that they were informers, but the party did not disclose how it had originally identified any of the six persons named.

The first file of an F.B.I. informer that was ever turned over to the party involved Timothy Redfeam, identified as an informer in Denver, where he reportedly burglarized the party's offices on July 7.

Burglaries by F.B.I.

Mr. Redfeam's file was given to the party's lawyers last

Friday by order of Judge Griesa, who is presiding over the lawsuit that the party filed three years ago for millions of dollars in damages against the F.B.I. and other agencies accused of illegal activities against the Socialist Workers.

In response to discovery motions growing out of the suit, the bureau has turned over documents acknowledging widespread activities against the Socialist Workers, including more than 90 burglaries of the party's Manhattan headquarters a decade ago.

The party's lawyer, Mr. Boudin, told Judge Griesa at yesterday's court session on the continuing discovery motions that the Government had withheld significant documents about informers and had not told the truth about the available information.

Mr. Boudin said this was clear from material contained in the Redfeam file, which was turned over last Friday in Denver.

Replying for the Government, Mr. Siffert conceded that previous disclosures "don't appear to be totally complete," but he told the judge that "any unintentional discrepancies" in the information that had been released would be corrected.

Judge Griesa described the disclosure of information about informers as "an extremely important issue in this case."

In addition to the files on

named informers, the Socialist Workers Party is also seeking to see on 19 informers who had been identified by number, but not by name, in disclosures by the Government.

The F.B.I. vehemently objects to releasing information that

would identify informers who have not yet been named, according to the Government, and Judge Griesa said he would have to hear further arguments before deciding this issue.